

**UNITED STATES DISTRICT COURT**

## **EASTERN DISTRICT OF TEXAS**

TYRELL MONTREL CANE,

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Plaintiff,

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*versus*

CIVIL ACTION NO. 1:17-CV-451

THE CITY OF PORT ARTHUR  
POLICE DEPARTMENT, *et al.*,

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## Defendants.

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## **MEMORANDUM OPINION AND ORDER**

Plaintiff, Tyrell Montrel Cane, a pre-trial detainee at the Jefferson County Jail, proceeding *pro se* and *in forma pauperis*, brings this civil rights lawsuit pursuant to 28 U.S.C. § 1983 against defendants: the City of Port Arthur Police Department, Officer Bobby Myers and Officer John Doe, both with the Port Arthur Police Department.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff's claims against the City of Port Arthur Police Department filed pursuant to 28 U.S.C. § 1983 be dismissed with prejudice for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.<sup>1</sup>

<sup>1</sup> Plaintiff received a copy of the Report and Recommendation on November 28, 2017 (docket entry no. 8).

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A Partial Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED at Plano, Texas, this 9th day of October, 2018.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE